

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

HANS A. QUAACK, ATTILIO PO  
and KARL LEIBINGER, on behalf of themselves  
and those similarly situated,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 03-CV-11566 (PBS)

STONINGTON PARTNERS, INC., a Delaware  
Corporation, STONINGTON CAPITAL  
APPRECIATION 1994 FUND L.P., a Delaware  
Partnership and STONINGTON HOLDINGS, L.L.C., a  
Delaware limited liability company,

Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10411 (PBS)

GARY B. FILLER and LAWRENCE PERLMAN,  
Trustees of the TRA Rights Trust,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10477 (PBS)

JANET BAKER and JAMES BAKER, JKBAKER LLC  
and JMBAKER LLC,  
Plaintiffs,

v.

DEXIA, S.A. and DEXIA BANK BELGIUM  
(formerly known as ARTESIA BANKING CORP., SA),  
Defendants.

No.: 04-CV-10501 (PBS)

**UNOPPOSED MOTION FOR LEAVE TO FILE DECLARATION UNDER SEAL**

Pursuant to Massachusetts Local Rule 7.2, Plaintiffs in each of the above-captioned actions hereby move for an order authorizing the filing under seal of the Declaration of Susan M. Davies in Opposition to Dexia Bank Belgium's Motion for a

Protective Order Limiting the Duration of Depositions of Bart Ferrand and Peter Rabaey, together with exhibits thereto (“Davies Declaration”).

In support of this motion, Plaintiffs state:

1. Contemporaneously with the instant motion, Plaintiffs are filing a Memorandum of Law in Opposition to Dexia Bank Belgium’s (“Dexia’s”) Motion for a Protective Order Limiting the Depositions of Bart Ferrand and Peter Rabaey. Plaintiffs seek to submit the Davies Declaration in further support of their opposition to Dexia’s motion. The Davies Declaration has not been filed with the Court because it contains, and annexes, information (a) that Dexia has designated “confidential” pursuant to the Order Governing the Treatment of Confidential Information entered in each of the above-captioned actions on May 31, 2005, and (b) that has not been disclosed previously in a publicly filed document in these actions.

2. The Davies Declaration has been served on counsel for Dexia, and a courtesy copy will be delivered to Chambers promptly.

WHEREFORE, Plaintiffs respectfully request that the Court enters orders:

- (A) relieving Plaintiffs of the obligation under Local Rule 7.1(b)(1) to file a memorandum of law in support of the instant motion simultaneously herewith;
- (B) authorizing the filing of the Davies Declaration under seal; and
- (C) for such other and further relief as the Court deems just and proper.

**Certification Under Local Rules 7.1(a)(2)**

Pursuant to Local Rules 7.1(a)(2), undersigned counsel hereby certify that counsel for Dexia does not oppose the instant motion.

Dated: September 27, 2006

Respectfully submitted,

**BERMAN DEVALERIO PEASE  
TABACCO BURT & PUCILLO**

/s/ Patrick T. Egan

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*Counsel to Plaintiffs Janet Baker, James  
Baker, JKBaker LLC and JMBaker LLC.*

**CERTIFICATE OF SERVICE**

I hereby certify that this document will be filed through the ECF system, which filing will constitute service of the document upon all registered ECF users as identified on the Notice of Electronic Filing (NEF). A paper copy of this document has been mailed in accordance with FED. R. CIV. P. 5(b) to all those case participants not identified on the NEF as electronic recipients.

/s/ Susan M. Davies

Susan M. Davies, N.Y. Atty Reg. #2413508